



1653

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**

In re Application of: H. ILONOMIDOU et al.

OCT 31 2003

Examiner: A. U. DESAI **TECH CENTER 1600/2900**

Serial No.: 09/830,354

Group Art Unit: 1653

Filed: April 25, 2001

Title: NEW USE OF GLUTAMATE ANTAGONISTS FOR THE TREATMENT OF CANCER

REPLY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


In response to the office action dated September 30, 2003, applicants elect, with traverse, Group I (claims 1-7 and 34) drawn to a method of treating cancer comprising administering an inhibitor of the AMPA receptor complex.

It is respectfully submitted that the subject matter of the claims does have unity of invention. For example, the claims of Groups I-III relate to treating cancer by administering inhibitors of AMPA, kainite and NMDA receptor complexes. AMPA, kainite and NMDA receptor complexes are all glutamate receptor complexes. Further, the antibody of Group IX is also an inhibitor of glutamate receptor complexes. Therefore, at the very least, these claims (i.e., Groups I-III and IX) relate to a single inventive concept under PCT Rule 13.1 (i.e., inhibiting a glutamate receptor complex).

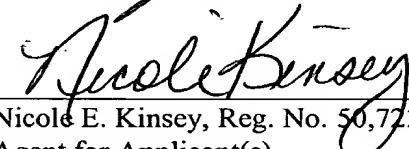
Furthermore, a search of the claims of Groups I-III and IX would be co-extensive, and would not represent a serious search burden for the patent office. Absent a serious burden of examination, restriction is not proper. See M.P.E.P. §803. Thus, the requirement should be withdrawn.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



Anthony J. Zelano, Reg. No. 27,969
Attorney for Applicant(s)



Nicole E. Kinsey, Reg. No. 50,723
Agent for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Date: October 27, 2003

K:\HRISS\10-30-03 Response to restriction.doc